

Handling Report Requests & Subpoenas



Reading time:
Nicola Thomas
Last Modified on 06/05/2024 4:59 pm AEST

I have been asked to provide a report for the coroner or police

A request in writing may come from the Coroner or the police officer acting on behalf of the Coroner requesting a report. MIPS is available to assist with the response to this request, ensure that assistance is sort as early as possible. The report should be accurate, factual and based on your medical records.

An insurance company or solicitor has requested I provide a report

In your capacity as either a 'treating doctor' or an 'expert' you may be asked to prepare a report, before preparing the report ensure that you have the patient's written consent to provide the information. The consent should be in writing, signed and dated from the patient or authorised representative (eg parent or guardian).

The two reports mentioned have different requirements and require clarification.

You are not legally obliged to provide a report unless ordered to do so by a court or tribunal, but medical practitioners have an ethical obligation to assist patients in providing information which in some cases may require production of a 'treating doctor's' report.

If you agree to provide an 'expert' report you must be aware of the ramifications of doing so, including your duties to the court as an expert.

Obtain correspondence and copies of the patient's medical records ensuring that the report is accurate and refers to the medical records.

In some cases you may be asked to give evidence in court based on your report or receive a subpoena to give evidence.

I have been asked/received a subpoena to be a witness concerning a patient I was / have treated

Read the subpoena fully and carefully to establish its breadth.

- Understand whether the subpoena is for you to give evidence or for you to provide patient documents to the court.
- The person being served the subpoena is obliged to only produce or include information that is set out in the subpoena.

Once you have worked out that the subpoena is valid and that you need to comply with it call MIPS to clarify the first practical step.

So long as the subpoena is validly provided, you must comply regardless of patient consent. You must also comply regardless of your availability (most times) although you can often take steps to work through these issues with the party who issued the subpoena. Look at when and where you need to do the steps involved in the subpoena.

Related articles





CAREER LEADERSHIP PROGRAM >